

Minutes

Amherst Charter Commission meeting of October 26, 2016

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Irv Rhodes, Julia Rueschemeyer, Diana Stein, Gerry Weiss. Members Absent: None. Consultants Present: Mike Ward and Tanya Stepasiuk. In attendance: Irma Gonzalez, Walter Wolnik, Larry Kelley, Maura Shea Roberts, Kevin Collins.

Agenda: 1. Call to order, approve agenda, approve minutes (5 minutes) 2. Mapping values onto charter components (45 minutes) 3. Timeline and planning for upcoming meetings (30 minutes) 4. Technical sections of charter (1 and 8) – discuss and vote (15 minutes) 5. Survey – discuss and vote (15 minutes) Public comment (10 minutes) 7. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting. 8. Adjourn.

The meeting was called to order at 7:01pm at the Amherst Police Station Community Room.

Mapping Values onto Charter Components. Ward reviewed the Collins Center's document, saying the options listed are sometimes in conflict with each other, are not exhaustive, and some are narrow while others are conceptual. Rueschemeyer said the document is “exactly what we're looking for” and it shows how much work there is to do. In response to a question, Ward said that many charters build in a 5- or 10-year review component.

The first value reviewed was “maintain and improve citizen participation and involvement.” Asked about the option of neighborhood councils, Stepasiuk said she's working on such a provision in Newton, and the only other one she knows of is in Worcester, but it's not currently used. Newton is trying to make such councils advisory. Rueschemeyer asked if Town Meeting could be seen as a large neighborhood council. Stepasiuk said that would mean being reconstituted as advisory and added that she'd have to think about it.

Gage said two kinds of participation were indicated in the document: structured (voting) and redress for unhappiness (citizen relief). She was interested in a third type of participation, as part of the normal process of government – like participation through boards and committees, participation that's not voting or complaining. She said she likes the idea of a citizen engagement officer, which could be like an ombudsman, and asked for examples. Ward said Framingham is looking at such a position, and Newton has one but is reconsidering. “If it's a value of Amherst, why not?” Ward said. Gage suggested that committees initiate a leadership cultivation program to increase diversity, as many nonprofits have. There's a fear in town of people who don't agree sitting together on boards, she said.

The second value reviewed was “support a clear voice for Amherst.” Rhodes said it's important to pair authority and responsibility. Churchill spoke of balancing the legislature and executive, and how they can check each other's actions. Rhodes spoke against a “nebulous” relationship. Gage asked why a manager can't be a strong executive, saying Amherst has had a wide range of managers in terms of the authority they wield, depending on the manager's personality. Stepasiuk suggested detailing the authorities of a manager, and the position can be set up to be attractive—but can't guarantee personalities (of different Town Managers). Ward said it's important to align responsibility and authority, as in some towns the manager has responsibility but only limited authority and must find political ways to get things done. When the Select Board or the Council hire the Town Manager, they need the statutory authority. Rueschemeyer said she was surprised to learn some of the things the Amherst manager is in charge of, such as parks. Stepasiuk said some of these executive responsibilities could be handled in the “administrative organization” section of the charter.

Fricke cited the section where the Collins Center wrote, "A mayor is often considered to carry more political weight among legislators, the governor and other state officials than a manager." He asked if this is true. Ward said there are conflicting views, but the preponderance of evidence is that mayors have more clout when for example they are going to talk with the Governor because they carry a political majority with them and have a constituency, but there's room for disagreement on this. Stepasiuk said the governor has meetings of newly elected mayors, for example, but a manager who has an extensive network could have similar influence.

On the value "foster representativeness," Gage said Amherst does well at gender representation, but not on others, such as renters or diversity. Stepasiuk said it's an issue every town struggles with. Grabbe mentioned Citizen Juries as possibly mandating diversity. Churchill spoke positively of ranked choice voting but wondered if it was worth putting into the charter and thereby risking confusing the voters. Cambridge is the only town in the state that has it, but not in its charter, said Stepasiuk, while Newton is investigating it. Others want a simpler ballot. Ward said one way to promote it but not put it in the charter would be through the transition plan; Hanneke suggested the elections section.

Weiss said that many residents don't know how to get on a committee and who their Town Meeting representatives are, but that's not the fault of the structure, but how people get information. Stepasiuk said it could be mandated that board openings be publicized. Grabbe suggested a new mechanism for communication between mayor/manager/council and residents. Weiss said there's a split on the commission between people who think an elected council is more representative of the people vs. the larger group of residents in Town Meeting. Stepasiuk said that's a "philosophical question."

On the value "avoid big-money politics," Churchill noted that competitive Select Board races are more expensive than School Committee. Mayoral races are more expensive than Council and Select Board races and Town meeting races don't have a cost for the candidate. Churchill suggested that the town buy a page in the newspaper to allow all candidates to state their cases, or give campaign money to candidates who get a certain number of signatures. Gage suggested public funding of elections. Stepasiuk said, "You can't do anything about the ceiling, but you can do something about the floor." Grabbe said this is vitally important to getting public approval of the charter.

On the value of public hearings, Gage said we don't get good responses and that there's been bad communication and a lack of camaraderie between committees and the public. We would like to improve this. Weiss asked if the charter could include rules on notification of hearings. He cited a Wednesday Planning Board hearing on a zoning petition article, but it was posted on Monday and the only way neighbors could learn of it was to go to the town website. Reverse 911 was suggested to get the message out. Stepasiuk said leaving the issue to a bylaw would allow it to be changed with the times.

Churchill said many people can't get to all meetings, and there's a question of how many committees Amherst needs, citing four relating to homelessness. Does government function only by people showing up, or can we delegate to certain people and hold them accountable, he asked. He said there was something to be said for a government where residents can be heard but not have to show up all the time, to have someone represent them and be able to kick him/her out if they don't like what they do. Ward asked if Town Meeting members host coffees or do weekly emails to communicate with constituents, and was told that few do. Weiss said that even the Select Board and the Town Manager did not know ahead of time about the Zoning petition article.

Rueschemeyer asked what towns with effective public hearings do differently. Stepasiuk said some towns are more responsive than others and there's "no magic bullet; it needs to come from the culture of the community." Churchill cited Grabbe's idea of quarterly forums timed to coincide with processes such as the budget, with elected officials explaining issues and taking feedback. Stein said that public hearings of

the Community Preservation Act Committee are well attended. Weiss suggested a “zoning social effects subcommittee” of Town Meeting, members who could go to hearings and report back, saying that the Planning Board offers only the pros of a proposal.

Time Line and Upcoming Meetings. Churchill said it would be better to discuss ways to increase citizen participation before diving into talking about the legislative decisions. Gage suggested also talking about the executive before the legislature. Stepasiuk said it's “easy to tiptoe” into weightier discussions by talking about citizen participation first. The time line gives a sense of the pace that's needed to get to the finish line, she said. Churchill asked if six weeks were needed for the School Committee, and whether some of that time could be re-allocated to executive/legislative. Stepasiuk noted that this is during the Christmas season, when it's hard to schedule weekly meetings. Ward said there are “built-in cushions,” and his role is to be a “taskmaster” and alert the commission if it's slipping too far behind schedule. Churchill noted that the East Longmeadow charter commission had to have several all-day Saturday sessions.

Churchill asked about whether a mayor would be a member of the Regional School Committee if he/she was on the Amherst School Committee. Ward said this was an area for research and asked for a copy of the regional agreement. Grabbe asked if it's legal to have some boards half-elected, half-appointed, and was told that it is.

After much discussion and looking at calendars, the following meetings were scheduled:

November 3rd, Select Board discussion beginning at 6:15 (to be confirmed), rest of meeting 7:15-9:15pm (Collins Center with us beginning at 7:15), Police Community Room

November 7th, 7-9 pm (with Collins Center), Location To Be Determined

November 9th, 6:30 – 8:30, Survival Center Listening Session (no Collins Center)

November 14th, 6-7 pm, somewhere in the Middle School (no Collins Center, Administrative matters agenda, if needed); previously scheduled meeting on November 17th is cancelled

November 28th, 7-9 pm, Location to be determined, will occur if Town Meeting concludes on the 21st. If not, the meeting will be on November 30th, 7-9 pm at the Police Community Room. (with Collins Center)

December 5th, 7-9 pm, location to be determined (with Collins Center); previously scheduled meeting on December 8th is cancelled

December 15th, 7:15 – 9:15 pm, location to be determined (with Collins Center); previously scheduled meeting on December 14th is cancelled

Outreach update. Rueschemeyer noted that the School Committee and Select Board had not yet addressed the commission. Stepasiuk suggested bringing in the School Committee closer to the point when a straw vote will be taken on that element of the charter. A tentative plan was made to invite the Select Board to address the commission Nov. 3 at 6:15, before the regular meeting.

Technical sections of charter. Tanya addressed the sentence in the boilerplate charter reading, “The legislative branch shall never exercise any executive power, and the executive branch shall never exercise any legislative power.” She said it's a “historical relic” and doesn't need to be there; the group removed it. Articles 1 and 8 of the charter were approved. Ward noted that the commission's first vote was the cut text.

Survey. Stein said she's worried that outreach has been random, and acknowledged that a statistically significant survey may be impossible, but suggested sending out a questionnaire with the town census, to get the widest possible feedback. Stepasiuk said the most effective survey questions are open-ended. Churchill said the commission is scheduled to tackle the legislative and executive functions in the next six weeks, and so it would be difficult to get information from a survey that could be used in a timely manner. He also worried that survey results could “paint us into a corner.” The commission has done a lot

of listening and has a good sense of the challenges, but may want to test its proposals later, he said. Rhodes said he doesn't think the commission has the time or the appetite to do a survey, but cited the upcoming school vote, which he said many people have no information on. Rueschemeyer said a survey could have the benefit of informing residents about what the commission is doing, and could be done later. Hanneke said she's working with Jacob Livingston on a diagram about how the current government works. The commission agreed that it will not be able to do a survey now but will consider it later.

Public comment. Wolnik said the Collins Center's document on values was valuable and he wanted to see it sooner. Hanneke suggested he get on the email list. Kelley asked about remote participation in meetings, and Churchill said there's no response yet from the Select Board. He said he had sent a sample policy from Westwood to the Select Board.

Respectfully Submitted,
Nick Grabbe, Clerk

Documents:

Mapping Values and Principles onto Potential Charter Areas
Proposed Timeline